

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6774**

**BILL NUMBER: SB 256**

**DATE PREPARED:** Dec 14, 2001

**BILL AMENDED:**

**SUBJECT:** Abrogate Water as Common Enemy Doctrine.

**FISCAL ANALYST:** Bernadette Bartlett

**PHONE NUMBER:** 232-9586

**FUNDS AFFECTED:**      **GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** This bill provides that a person who unreasonably improves the person's land and thereby causes an increased or altered flow of diffused surface water onto the land of another person is liable for the damages caused by the increased flow of water. The bill permits a person whose land is damaged by the altered flow of diffused surface water to bring an action to abate or enjoin the unreasonable improvement that caused the altered flow of water. It specifies that (1) this law does not limit the availability of other civil remedies for damages caused by water; and (2) to the extent that this law conflicts with the common enemy doctrine, the common enemy doctrine is abrogated.

**Effective Date:** July 1, 2002.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** The proposal could result in an increase in legal action and court activity at the local level which could increase local expenditures. The impact is indeterminable.

**Explanation of Local Revenues:** An increase in legal action could also result in an increase in fees collected by local courts. The specific impact is indeterminable.

**State Agencies Affected:**

**Local Agencies Affected:** Local courts.

**Information Sources:**